

REMARKS

Reconsideration of the rejections set forth in the Office Action dated February 11, 2008, is respectfully requested. In the Office Action, the Examiner rejected claims 54-73. Applicant has amended claims 54 and 65 and has added new claim 74. Accordingly, claims 54-74 are pending in the application. No new matter has been added as can be confirmed by the Examiner.

A. Claims 54 and 65 Have Been Amended To Correct Typographical Errors Only.

Applicant has amended claims 54 and 65 to correct typographical errors. Claims 54 and 65 each included an incorrect recitation of "the user computer system" and have been amended to properly recite "the computer system" in a manner consistent with the preceding claim language. The amendments to claims 54 and 65 are made to correct the typographical errors only and not for reasons of patentability.

B. The Cited Prior Art References Do Not Disclose or Suggest the Combination of Authenticating a Request for Data Content from a Computer System by Comparing a Computer Identification Code with Computer Identification Data, Wherein the Computer Identification Code Uniquely Identifies the Computer System and the Computer Identification Data Includes Current Information for Identifying the Computer System, as Recited in Claims 54-74.

In the Office Action, the Examiner rejected claims 54-73 each under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Bezos et al., United States Patent No. 6,029,141, in view of Messer et al., United States Application Publication No. 2004/0230491, in further view of Dane et al., United States Application Publication No. 2004/0215623. Applicant respectfully submits, however, that at least one recited element of independent claims 54, 65, and 74, is totally missing from the cited prior art references, both individually and in combination. Accordingly, claims 54-74 are in condition for allowance.

According to the Examiner, Messer et al. disclose "determining invalid requests for information and tracking invalid requests for information, and utilizing a database and reporting for invalid requests for information." Messer et al. disclose a system by which an affiliate of a merchant allocates a banner advertisement block on a web page for presenting advertising material, such as a banner ad, for presentation via a user workstation. See Messer et al. at

Para. [0024]. The banner ad is linked to a clearinghouse server and then to the merchant server. See id. at Para. [0025]. Messer et al. further state that the linking allows for determining if and when a user utilizes the banner in a purchase from the merchant and for determining whether to allocate a purchase commission to the affiliate. See id. As admitted by Examiner, Messer et al. teach:

In addition to the Javascript detection algorithm, the system further **tracks potential click fraud by assessing historical patterns of commerce**. For example, if a click-through includes the same ID, the system **measures the interval between successive clicks**. A relatively fast click speed, or multiple clicks at a uniform interval reflects the possibility that the click is machine generated and potentially fraudulent. **Other patterns may give further details, such as large jumps in traffic from individual sites.**

Id. at Para. [0038] (emphasis original and added).

In contrast to the teachings of Messer et al., independent claims 54, 65, and 74 each recite the combination of authenticating a request for data content, received from a computer system, by "comparing the computer identification code with the computer identification data," wherein "the computer identification code uniquely identifi[es] the computer system" and "the computer identification data includ[es] current information for identifying the computer system." As set forth in claims 54, 65, and 74, the authentication of the request for data content is performed by comparing the computer identification code and the computer identification data. The computer identification code of claims 54, 65, and 74 is recited as being dynamically generated upon transmission of email (or hyperlink); whereas, the computer identification data includes current information for identifying the computer system. Therefore, the authentication of the request does not include an assessment of historical patterns of commerce or consideration of time intervals between successful clicks as required by Messer et al. Therefore, the teachings of Messer et al. do not bear upon the patentability of claims 54-74.

Examiner likewise relies on the teachings of Bezos et al. Bezos et al. disclose an Internet-based system that enables individuals and associates to market products that are sold from a merchant's web site in return for a commission. See Bezos et al. at Abstract. According to the Examiner, Bezos et al. teach "combining predetermined Content, an Interface Provider Identification Code, and a Dynamically-Generated User Identification code to Form a Data

Interface, Providing the Data Interface to a User System, and Receiving a Request for Selected Content that is Formed by Combining the Interface Provider Identification Code and the User Identification Code." The Examiner, however, recognizes that Bezos et al. fail to disclose, among other claimed elements, tracking invalid data requests and does not assert that Bezos et al. teach the combination of authenticating a request for data content by "comparing the computer identification code with the computer identification data," wherein "the computer identification code uniquely identif[ies] the computer system" and "the computer identification data includ[es] current information for identifying the computer system" as recited in claims 54, 65, and 74. Therefore, the disclosure of Bezos et al. does not bear upon the patentability of claims 54-74.

The Examiner further relies on the teachings of Dane et al. Dane et al. discloses a resume database system that allows stored resume records to be viewed via a Uniform Resource Locator (or URL). See Dane et al. at Abstract. The resume database system likewise permits unauthorized, but verified, users to input information into the resume database system. See id. As set forth in the Office Action, Dane et al. disclose "that if a URL is found to be fraudulent then the system will record as much information as is available about the attempted fraudulent access to identify an individual or individuals who is attempting to improperly access the data." The Examiner relies on Dane et al. solely for the alleged disclosure of a "dead page" and does not assert that Dane et al. teach the combination of authenticating a request for data content, received from a computer system, by "comparing the computer identification code with the computer identification data," wherein "the computer identification code uniquely identif[ies] the computer system" and "the computer identification data includ[es] current information for identifying the computer system" as recited in claims 54, 65, and 74. Dane et al. therefore do not bear upon the patentability of claims 54-74.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. In view of all factual information, the Examiner must make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person.

Impermissible hindsight, however, must be avoided, and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. See M.P.E.P. § 2142.


Here, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) because, as set forth above, all of the elements of the pending claims are not found in the cited prior art references. None of the above references, neither individually nor in combination, disclose or even suggest authenticating a request for data content from a computer system by comparing the computer identification code with the computer identification data, wherein the computer identification code uniquely identifies the computer system and the computer identification data includes current information for identifying the computer system. Accordingly, at least one recited element of claims 54, 65, and 74 is totally missing from the cited prior art references. Applicant therefore submits that claims 54, 65, and 74 are not anticipated or rendered obvious by Bezos et al., Messer et al., or Dane et al. and that claims 54-74 are in condition for allowance.

Accordingly, for at least the reasons set forth above, it is submitted that claims 54-74 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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